

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CARLINE CURRY,	)	
	)	Case No. 1:05-CV-03000
Plaintiff,	)	
	)	Judge Ann Aldrich
v.	)	
	)	
INVENTION SUBMISSION	)	
CORPORATION, et al.,	)	
	)	<u>ORDER</u>
Defendants.	)	
	)	

Before the court is plaintiff Carline Curry's ("Curry") motion for an extension of the current deadline for expert discovery of May 4, 2007, along with other relief [Docket No. 29]. The sole remaining defendant, Douglas MacKenzie ("MacKenzie"), has filed a response [Docket No. 30]. Curry's claim against MacKenzie is for legal malpractice, which under Ohio law, requires expert testimony to establish that the attorney's conduct fell below professional standards of performance. *McInnis v. Hyatt Legal Clinics*, 461 N.E.2d 1295, 1297 (Ohio 1984). MacKenzie does not oppose a thirty-day extension of all deadlines, but requests that the court give notice to Curry that failure to timely produce an expert report shall result in potential dismissal of her claim with prejudice, pursuant to Federal Rule of Civil Procedure 37(b)(2)(C).

The court therefore grants Curry's motion [Docket No. 29] in part and sets the following new deadlines: (1) Plaintiff's expert report shall be due no later than June 22, 2007; (2) Defendant's expert report shall be due no later than July 6, 2007; (3) All discovery shall close on July 20, 2007; (4) Dispositive motions shall be filed by August 17, 2007; and (5) the current trial date of September 10, 2007 is vacated, to be reset after resolution of any dispositive motions. The court also gives

notice to Curry that failure to timely produce an expert report by June 22, 2007, shall be grounds for sanction by this court under Rule 37(b)(2), up to and including dismissal of the sole remaining claim with prejudice. The court denies Curry's motion with respect to the other relief sought.

IT IS SO ORDERED.

/s/Ann Aldrich  
ANN ALDRICH  
UNITED STATES DISTRICT JUDGE

**Dated: May 24, 2007**